

Language Legislation and Language Abuse: American Language Policy through the 1990s

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During the past two hundred years, there have been many attempts to make English the official language of the United States. While supporters of Official English have been successful in imposing English, on a symbolic or a functional level, in a number of cities and counties, in some twenty-three states, and even in some businesses, they have not been successful at the national level. Americans have shied away from proposed Constitutional amendments that would make English official, because the idea has always been closely associated with prejudice against people who do not speak the language, whether they are immigrants or natives, and because in the end, the vast majority of non-English-speaking Americans wind up speaking English after all, a situation which renders drastic Constitutional action unnecessary (Baron 1990).

Official English movements come in waves, cycles in which Americans become protective and look inward, avoiding foreign entanglements that seem threatening. The United States experienced such a cycle in the 1890s in response to increasing immigration, and again in the 1920s, after World War I. Official English reemerged as an issue in the 1980s in response to renewed immigration and to U.S. involvement both militarily and economically on the international scene, and accompanying the rapid spread of English around the physical and virtual globe. It would not be surprising if the new millennium were abetting concerns

about keeping America for the Americans, something that Official English legislation promises to do.

In this essay, I look at this latest cycle of official English, which ranges from the very local—an Amarillo custody hearing and an insurance office dispute—to the national level, where legislation to make English the official language of the federal government has been pending for several years. Along the way, I consider as well the fate of bilingual education, the proposed Puerto Rican statehood referendum, and the Ebonics controversy. All of these recent manifestations of official English suggest that the United States is moving closer than it ever has to accepting some sort of formal language policy at the federal level. But that does not mean such a policy is inevitable. While language is a popular issue, in that it attracts attention and most people have an opinion on what language policy should be, it is also an issue that quickly disappears when more important matters loom. An election, an international incident, a political scandal, or a twitch in the economy quickly turns legislators away from language policy to an issue they see as having more meat, and the public is happy to follow that lead. Even so, Americans keep returning to what I have called the English Only question, feeling the need to protect a language that without formal protection has been more successful than any other language in human history

Spanish Abuse

In June 1995, an Amarillo, Texas, district court judge, ruling in a child custody suit, accused Martha Laureano of child abuse for speaking Spanish to her five-year-old daughter (Verhovek 1995). Judge Samuel C. Kiser ordered the mother to speak only English to the girl, who would enter kindergarten that fall. He warned that English was necessary for her daughter to "do good in school." Even worse, the judge added, without English the girl would be condemned to a life as a maid.

When the story broke at the end of August that summer, there was a national outcry against this overreaching and misdirected decision. Judge Kiser, sensing that some fence-mending

might be appropriate, held a press conference and apologized to maids, insisting that he held them in high esteem. But he held resolutely to his English Only order.

The judge's own mastery of English grammar is not the issue here. Nor are the obvious free-speech concerns of the case or the fact that Kiser's equation of speaking Spanish with child abuse draws attention away from the serious forms of abuse that do warrant legal intervention. Judge Kiser reached his unwise decision, which I would characterize as language abuse, without even considering Martha Laureano's reason for speaking Spanish to her daughter. Laureano was in fact bilingual in English and Spanish, and she knew that once her daughter entered school she would quickly lose her Spanish. So the mother spoke Spanish at home to the child in an attempt—one she knew was probably doomed—to maintain some Spanish in the face of the inevitable transition to English that was soon to come.

It was Judge Kiser, not Martha Laureano, who was practicing a traditional American form of language abuse. For many years, young speakers of Spanish, Navajo, Chinese, and other minority languages in the United States were beaten, humiliated, or given detentions if they used their first language in classrooms or the schoolyard. Such punishments did not accelerate the students' adoption of English. As the average student chafing under a language requirement will attest, you cannot *make* someone speak a "foreign" language. Physical force and corporal punishment do even less to secure linguistic compliance.

Language abuse is common in the adult world as well. Workers are regularly disciplined or fired by employers for using languages other than English on the job or during breaks. In 1994 the Teamsters Union filed a class-action complaint against the Dolphin Hotel at Walt Disney World in federal court in Orlando, charging that the Dolphin's English Only policy discriminated against its Haitian and Hispanic/Latino housekeeping and laundry workers (Lewin 1994). The hotel denied having such a policy. A year after the Laureano case, a small Amarillo, Texas, insurance agency fired two women who were bilingual in English and Spanish and had been hired for their ability to speak Spanish to Hispanic/Latino customers (Verhovek 1997). The owner of the

agency did not like the fact that these bilingual clerks spoke Spanish to one another as well as to customers. She asked them to sign a pledge making the agency "an English speaking office except when we have customers who can't speak our language." When they refused, she fired them. The clerks felt insulted. The owners felt the clerks were being rude, "almost like they were whispering to each other behind our backs" (A10). This is a common scenario: paranoid employers are certain their employees are talking about them if they use a language other than English, so they institute an English-only requirement. Federal law is vague when it comes to the regulation of language that is not specifically job related. The courts have not been particularly helpful here, either, sometimes ruling for the employer, sometimes for the employee.

Suppression of languages other than English has been a feature of U.S. language policy for the past 150 years. In extreme cases, banning foreign languages was tied to issues of national security. Soon after the United States entered World War I in April 1917, twenty-five states banned the teaching of German in the schools. In May 1918, the governor of Iowa forbade the use of any foreign language in the schools, on the streets, or on the telephone, a more public instrument than it is now. German words that had entered English were targets for replacement: hamburgers became "liberty sandwiches," and sauerkraut was renamed "liberty cabbage." Superpatriots caught the "liberty measles" (*rubella*, the technical name for German measles, probably sounded suspiciously foreign as well). German street names in U.S. cities were similarly sanitized, many of them forever. In 1995 the Cincinnati City Council considered a request to rehabilitate the city's geographical past by displaying informational signs on twelve area streets which had lost their earlier German names (*Cincinnati Enquirer* 1995). Thus English Street would receive a 12" by 18" sign reading, "Formerly German Street, renamed April 9, 1918 because of the anti-German hysteria during WWI." Other renamed streets included Woodrow (formerly Berlin) Street, Republic (Bremen) Street, Connecticut (Frankfort) Avenue, Stonewall (Hamburg) Street, Panama (Vienna) Street, and Orion Avenue (Wilhelm Street).

Official English

The German language is no longer considered a threat in the United States. Spanish now has that honor, followed to a lesser degree by other minority languages such as Cantonese, Hindi, or Russian. When I ask people if they think English should be the official language of the United States, most of them respond, "You mean it isn't?" Then they think about it, briefly, and they add, "Sure, why not?" My mother, who spoke only Yiddish until she entered kindergarten, thinks English should be official.

When I tell people about the Illinois official language law, they laugh. In 1923, as the nation turned away from foreign entanglements after World War I, a group of Chicago Irish and Jewish politicians combined the postwar isolationist mood with their own unhappiness at British treatment of Ireland and Palestine and got a law passed making "American" the official language of the state of Illinois. The law had no real impact—other languages were still tolerated in Illinois, and English rather than American continued to be taught in the state's schools—so in 1969 it was quietly amended, and English became the state's official language. Even so, the Illinois official language law has had little more than a symbolic impact. My students liken it to the time, some twenty years ago, when Illinois elementary school pupils were asked to choose the state fossil.

The Illinois example amuses people. But then the language policy discussion becomes more serious, and someone mentions the public safety myth: What if a person who can't speak English has to call the police or the rescue squad? What if firefighters can't read an address because it's in Greek or Korean? Or someone recalls what it was like to visit Miami: "It was, like, a foreign country." Or they tell me about the vote in 1776, when German lost out to English as the language of the new United States by only one vote. Finally, though, someone remembers that calls to find any address. And I tell them that in 1997, the *Boston Globe* reported that there was a shortage of Spanish speakers in Miami. According to the story, "Despite a high unemployment rate companies have to go outside the country to recruit bilingual em-

ployees because not enough local residents speak Spanish well While Spanish is widely spoken in Miami, statistics indicate that immigrants are learning English and that their children prefer English" (Mears 1997). Miami's director of bilingual education notes that 90 percent of elementary school students take Spanish, but once it becomes an elective in middle school, they drop it. Only 6 percent of Dade County students study Spanish in high school (Mears 1997). It seems that, despite the perception of visiting Midwesterners, bilingual announcements at the Miami airport and Cuban restaurants have not turned Miami into a foreign country.

The "German vote" also turns out to be an illusion. Several times a year I get questions about the legendary vote in which German supposedly lost out to English. It is a vote that never took place. A new story seems to be circulating in the Greek American community that in the late eighteenth century, it was Greek that was beaten by English by a mere one vote. These stories are myths—nothing like them ever happened. In the supposed struggles between English, German, Greek, Native American languages, Chinese, and now Spanish, the outcome was never in doubt, not for a second. English wins. Hands down. Every time. End of story.

Language and the Puerto Rican Statehood Referendum

Still, supporters of Official English raise the specter not only of Germany but also of Quebec. They look to Puerto Rico as one area where language legislation will be critical. In 1998 Puerto Rico observed its one-hundredth year as a possession of the United States. Anticipating this, Congress considered a self-determination referendum for the Commonwealth, giving it the option to choose independence, statehood, or continued commonwealth status. When the House of Representatives debated this referendum in the summer of 1997, conservatives tried to amend the bill to require English as Puerto Rico's official language. In a letter to the *Washington Post*, one Official English supporter warned that unless Puerto Ricans were required to accept English as their official language, statehood for the Commonwealth

would open the door to official national bilingualism for the rest of the United States and the divisiveness which that move was sure to entail. He concluded, "The cultural and linguistic apartheid that now exists in Canada should be a warning bell tolling loudly for congressional attention. With the racial and ethnic tensions this country already has, do we need to voluntarily create our own Quebec?" (Hopwood 1997, A20).

The House passed the Puerto Rican referendum measure by one vote, once Official English requirements were softened. As passed, the bill encourages Puerto Rico, under the heading "English Language Empowerment," to "promote the teaching of English" so that students "achieve English language proficiency by the age of 10." There was no Senate action on the bill in 1997, and the matter was revived in both houses the following year. In the 1998 version of the House bill, the language issue is left open, though the act hints at the possibility that the United States may in the future establish a more formal Official English policy, in which case Puerto Rico will get no special treatment:

In the event that a referendum held under this Act results in approval of sovereignty leading to Statehood, upon accession to Statehood, the official language requirements of the Federal Government shall apply to Puerto Rico in the same manner and to the same extent as throughout the United States.

In addition, the bill seeks to promote English to facilitate interaction between state and federal levels; to give citizens "the language skill necessary to contribute to and participate in all aspects of the Nation"; and to allow "all citizens of Puerto Rico to take full advantage of the opportunities and responsibilities accorded to all citizens, including education, economic activities, occupational opportunities, and civic affairs" (H.R. 856 1997).

The Senate began considering the referendum bill during the summer of 1998. So far, the language question has not been revisited, but it is sure to resurface as the bill moves closer to a vote. If Puerto Rican voters do choose statehood, that statehood must then be approved by Congress. In the past, Congress has withheld statehood from areas where English was not the dominant language, including Michigan and, more recently, New

Mexico. Assuming Congress approves statehood for Puerto Rico, the referendum bill provides for a transition period of no more than ten years. Those ten years would provide yet another fascinating chapter in the history of U.S. language policy. In any case, the situation will be different from that in Quebec: for one thing, as the Québécois consider secession from Canada, the Puerto Ricans are contemplating the possibility of solidifying their ties with the mainland.

Official Language Goes to School

The possibility of Puerto Rican statehood is only one of several areas in which Official English comes into play. The issues of bilingual education, Ebonics, and the language of government all combine to make Official English the biggest issue in U.S. language policy today. While everyone seems to have an opinion on the Official English question, few people are well-informed about it. Consider, for example, the following excerpts from written student responses to the question. After reading a short news article on the Language of Government Act (see the section The 1995-1997 Language of Government Acts), transfer students taking a writing placement test at the University of Illinois were asked to write an essay supporting or opposing Official English legislation. Their essays reveal some of the confusion and misinformation surrounding current or proposed language policy:

- ♦ The (Official English) movement started as a way of keeping public doctors speaking English.
- ♦ The entire language would have to be given up because England started the language.
- ♦ Renaming every object with a foreign title would create numerous problems. . . . It is illogical to have one man living in Colorado and his next-door neighbor living in Colored.
- ♦ If one is going to be unfair, one may as well be unfair equally to everyone. I support the Official English movement on the basis that anything short of recognizing *all* foreign languages is selectively unfair.

- ♦ Officially recognized words should include all of what the average citizen can understand.
- ♦ In an English Only system, new words will not be accepted. New technology, techniques, diseases, and theories will not be properly named.
- ♦ The United States is built on foreign words and ideas... U.S. government and society could not have been formed if communism, capitalism, calculus, bacteria, and so forth had not been discovered by foreign people.
- ♦ The immigrants are in the same position. They wanted to come to the United States just as I decided to transfer to the University of Illinois. I had to adapt to the way of life at this university.
- ♦ English Only will help ensure that the future immigrants who come here are dead serious about becoming productive members of our society.

On one level, the answer to the question of whether English should be official in the United States is a no-brainer: English has always been the language in which most of the country's business has been transacted, so as the last comment above indicates, it would make sense that knowing English might facilitate fuller participation in that business, might better enable people to enter into the governmental, economic, educational, and social mainstream. Indeed, most student responses touched on these points. But on another, more complex level, the answer to the English Only question is not simple at all. Knowing English is one thing; requiring it is another. Legislation supporting English often is—or appears to be—a way of telling non-English-speakers that they are not welcome. One international student taking the placement test picks up on this, writing, “The language is probably the only thing by which Americans can demonstrate their superiority towards us, foreigners. . . . Many foreign immigrants take away jobs from American people, and international students by far outsmart U.S. citizens.”

Unfortunately, this response overestimates the success of immigrants both in the classroom and in the workforce. For example, a recent *New York Times* report reminds us that the stereotype of the overachieving, mathematically minded Asian

immigrant is in need of revision. Not all Asian Americans fit the mold of the overrepresented “model minority.” According to the 1990 census, nearly two-thirds of Hmong families from Southeast Asia live below the poverty line, compared with only 7 percent of Japanese Americans and 13 percent of the nation as a whole. Only 3 percent of Hmong and 6 percent of Cambodians in this country have college degrees, compared with 60 percent of Asian Indians and 40 percent of Chinese (Sengupta 1997).

School dropout rates for children with limited English proficiency may be high, but they have been high for most of this century. What supporters of Official English fail to acknowledge is that immigrants, not to mention women and minorities, have often found that even if they do master standard English, they are still denied access to the mainstream.

Official English legislation sends a negative message. It also sends an unnecessary one, since the English language is not under attack in this country. People who do not speak English want to learn it. There are not enough spaces in English-language classes to meet the demand. Census reports continue to underscore the fact that, while many people in this country speak other languages, 97 percent of U.S. residents claim to speak English well. Even if this is just a claim—that is, even if some of those responding to the question do not speak English particularly well—their answer clearly indicates that they know that speaking English well is desirable.

Apparently no one needs to encourage the children of non-English-speakers to switch to English: indeed, the concern of most non-Anglophone parents in the United States has always been that their children, in adopting English, all too quickly reject their first language and the cultural heritage that accompanies it. My college students routinely report how they hated going to Chinese School or Hindi School or Greek School or Korean School when they were younger, and how much they now regret the language loss that prevents them from fully engaging with their culture, makes speaking to grandparents difficult, or hinders communication when they visit the old country.

The official language question is frequently tied to the schools, particularly targeting programs in bilingual education. Federal official language bills proposed in Congress typically seek to elimi-

nate bilingual ballots and bilingual education. California's Proposition 227, passed in 1998, required that all schools in the state immediately shift from multiyear bilingual education programs to one-year English immersion programs for its limited-English-speaking students.

It is not clear that immersion will work better, or worse, than bilingual education. The novelist Chang-rae Lee commented in the *New York Times* several years ago on his own immersion, as a young Korean speaker, in an English Only school, long before schools thought to do anything about their non-English-speaking students: "I had spent kindergarten in almost complete silence, hearing only the high nasality of my teacher and comprehending little but the cranky wails and cries of my classmates" (Lee 1996, A17). Somehow—not through the efforts of the school—Lee learned English, not an unusual story to hear from non-Anglophone immigrant children. Nowadays, at least, the schools feel the need to teach language, whether English or a foreign language. But adding to the complexity of the U.S. language policy situation is the fact that no one seems to know how to teach language very well. U.S. schools have failed miserably in their attempts to turn out students who can speak or read foreign languages with any degree of fluency. California's voters have forgotten that the failure of immersion programs was what led to bilingual education in the first place. Now, after twenty-five years of bilingual education, many people are convinced that schools do not teach English any better than they teach French, Spanish, German, or Latin. It may be that, except perhaps for the playground, school is not the best place to learn a language.

Arizona: A Punitive Law Struck Down

In the spring of 1998, the Arizona Supreme Court ruled that state's official language law unconstitutional. Arizona's Official English law, passed by 51 percent of the state's voters, was the most detailed and the most restrictive of any of the twenty-three state official language laws currently on the books, affecting all political subdivisions, departments, agencies, and organizations of the state, including municipal and township governments. It

required all government officials and employees—from the governor down to the dogcatcher—to use English and only English during the performance of government business. The law was challenged in the federal courts by a state employee and defended by a private group, Arizonaans for Official English. A U.S. district court found the law unconstitutional on free-speech grounds. That ruling was upheld by the U.S. court of appeals. But in 1997, the Supreme Court refused to rule on the case, returning it to the state courts on a technicality: the plaintiff in the case no longer worked for the state of Arizona. The Arizona Supreme Court found that the law "chills First Amendment rights" and violates the federal Constitution as well as the equal protection clause of the Fourteenth Amendment. This is the first official language law to be overturned by the courts since the 1920s, when the U.S. Supreme Court ruled in *Meyer v. Nebraska* that state laws prohibiting the teaching of foreign languages in schools were unconstitutional. The state court opinion emphasizes that it would not throw out less restrictive language laws, nor does its decision support the official use of Spanish or other tongues: "Nothing in this opinion compels any Arizona governmental entity to provide any service in a language other than English" (Davenport 1998). But the law's supporters have nonetheless vowed to appeal the state court decision to the U.S. Supreme Court.

Other states have weighed in, if briefly, on the official language question. In 1996 the county executive of Suffolk County, New York, vetoed a proposal that would have made English the official language of the county. Official English has not proved popular in the Northeast, at least on the state level, with only New Hampshire having an official language law on its books (Perez-Pena 1996). But at the local level, some towns in New York and New Jersey, where established residents fear that new immigrants will overwhelm them and turn the town into a "foreign country," have adopted new sign laws requiring that half of any commercial sign in a foreign language be in English (Lee 1996). Ironically, these older, established residents are themselves the descendants of immigrants who had an earlier generation of English Only sign laws directed against them in the early 1900s.

Other areas have seen Official English activity as well. In May 1998, the commissioner of Kootenai County, Idaho, urged

the state's Republicans to adopt an Official English plank and pressed the state legislature to mandate that all state business and publications be done in English (Coddington 1998). Interest at the state Republican convention in June proved minimal, however, and the discussion was dropped. Advocates for Official English in Missouri garnered some new support in early 1998 when they added extra funding for English classes to their proposed law (unlike other states, Missouri does not give schools extra funding for ESL classes) and softened their tone by declaring English the "common language" rather than the "official language" of Missouri. Opponents of the measure fear that the bill will backfire, encouraging discrimination against the very people it seeks to help (Sanchez 1998).

Ebonics and Official English

An Official English backlash accompanied the Ebonics controversy in 1996. When the board of the Oakland, California, Unified School District passed a resolution on December 18 of that year declaring Ebonics the native language of its African American children—a separate language and not a dialect of English—the declaration was greeted by the nation as an act of linguistic secession.

The Oakland Resolution, which was later modified, is based on a recommendation by a panel charged with studying all the problems of the Oakland schools. That panel spent a long time trying to decide why Oakland's African American schoolchildren had lower grades and standardized test scores, and were more likely to be in remedial than advanced classes, compared to other racial or ethnic groups. The panel issued a detailed report calling for a number of changes, including remodeling classrooms, improving educational materials, decreasing student-teacher ratios, and improving teacher morale. In other words, their conclusion was that a lot of things besides language are "wrong" with the Oakland schools and need to be addressed before there will be any improvement in such things as graduation rates and reading scores.

Prodded by political activists in the community, however, the Oakland School Board seized only on the language issue in its

resolution, and that in turn is what brought national attention to Oakland. The resolution—which some school board members later claimed they had not read—asserted that Ebonics or "African Language Systems are genetically based and not a dialect of English." In effect, the media seemed to say, Oakland was declaring Ebonics to be its official language. That in turn was perceived as downright un-American, so much so that the Oakland School Board had to immediately recant and insist, in a revised resolution issued on January 15, 1996, that it was only trying to emphasize the need to use second-language learning techniques to help Oakland's black students make the transition from Ebonics to standard English (Oakland 1995).

One striking absence from the Ebonics debate was an examination of why at least some people in Oakland felt the need to define Ebonics as a distinct language in the first place. Defining speech as a language or a dialect has political as well as grammatical implications, and taking control of language is one way to assert independence and exercise political power. But it was quickly made clear that a majority of Americans, including a significant number of middle-class African Americans, could support such independence only if it were couched in standard, "official" English.

Some legislators around the country quickly sought to outlaw Ebonics. A resolution was introduced in the Virginia legislature to that end, and a Michigan lawmaker hoped to make English the official language of that state in order to make it clear that there was no room for Official Ebonics (Cole 1997). One young African American commentator went even further, asking hopefully when African American students would be required to use only English in the classroom (Carter 1998). Carter, a journalism fellow at the conservative Heritage Foundation, expresses the sentiment of many middle-class African Americans, who think of Ebonics not as a separate language but as simply bad English. Carter adds:

Elevating bad grammar and street slang to the status of a language is not the way to raise standards of achievement for our children.... There's nothing worse than a school board could do to ruin a child's self-esteem than to create a special language for

blacks. . . . I mean, it's one thing to "get black" with friends and family members in private and quite another to try to elevate a form of bad English, regardless of its origin, to the level of a language.

Responses to the Ebonics issue at the University of Illinois suggest that the view of language in the black community is more complex. While both African American faculty and students were clear in their insistence that the rights of Oakland's black children were endangered, they split on the issue of language. In a number of forums held on campus to discuss the question of Ebonics, a kind of generation gap made itself evident when African Americans commented on the situation. Many of the black faculty participating in these forums had come from working-class or rural backgrounds and were the first in their families to attend college. Many of them had also come of age during the civil rights era. They tended to support Ebonics, the viability of Black English as a medium of communication, and Oakland's initial radical stand. In contrast, many black students, particularly those from suburban middle- and upper-middle-class families, rejected the whole concept of Ebonics, insisting like Carter that they had been raised to believe there were no significant racial varieties of language, just good English and bad English. Ebonics to them was not the radical cause the faculty seemed to favor; instead, the students saw Ebonics at best as slang, at worst as what one student labeled "Leroy English," the stereotypical, incorrect English of the inner city whose celebration or exploitation they found embarrassing and essentially racist. To these students, more conservative than their faculty mentors, the inner city could have no viable official language separate from and equal to the official language of the whole country.

The 1995-1997 Language of Government Acts

Since the 1980s, the U.S. Congress has annually considered, and failed to act on, measures to make English the official language of the nation. Although close to half the states now have official language laws, most of them enacted in the past fifteen years,

constitutional amendments making English official seem destined to die in legislative committee. A constitutional amendment was introduced once again in 1997 (H.J. Res. 37). It is a bit more detailed than previous amendment proposals, requiring English in some specific instances, and like other official language amendments, it is likely to die in committee:

Section 1. The English language shall be the official language of the United States. As the official language, the English language shall be used for all public acts including every order, resolution, vote or election, and for all records and judicial proceedings of the Government of the United States and the governments of the several States.

Section 2. The Congress and the States shall enforce this article by appropriate legislation.

Recently, supporters of Official English, who have kept up the pressure for legislation at the state level, have tried a second approach at the federal level, introducing bills in the House and the Senate designed to make English the official language not of the nation but of its government. Such laws require only a simple majority of the House and Senate, plus a presidential signature, whereas passage of a constitutional amendment requires a two-thirds vote in each house, followed by ratification by three-fourths of the states. These federal language bills have had various names, but they tend to be similar in content and intent. The 1996 Language of Government Act (LOGA), which passed the House on August 1 of that year but died for lack of action in the Senate, is a fair representative of the genre. It was reintroduced and passed again by the House in 1997.

The LOGA was first introduced by the late Representative Bill Emerson (R-MO) in 1995. Arguing that "it has been the long-standing national belief that full citizenship in the United States requires fluency in English," the bill provides that "the official language of the Federal Government is English." Its latest version notes as well that "English is the preferred language of communication among citizens of the United States" (H.R. 123 1996, 1). LOGA's supporters claim that 86 percent of citizens and 81 percent of immigrants want this bill: "The vast ma-

iority of citizens in this country are fed up with the present day situation which has fostered linguistic warfare."

But the LOGA goes beyond simply designating English the language of government—something it has clearly been for more than two hundred years. LOGA repeals the Federal Voting Rights Act of 1965, which provides for federal ballots in languages other than English under certain conditions. That repeal was strongly opposed by the Justice Department, which argued, "But our language alone has not made us a nation. We are united as Americans by the principles enumerated in the Constitution and Bill of Rights: freedom of speech, representative democracy, respect for due process, and equality and protection under the law" (U.S. Department of Justice 1996, 1).

The LOGA bans naturalization ceremonies in languages other than English. Further, it requires that federal employees use English when they conduct official business, and it asks them to promote the language as well: federal officials "shall have an affirmative obligation to preserve and enhance the role of English as the official language of the Federal Government" (H.R. 123 1996, §162). How they are to do this is not specified, but drafters of the bill clearly feared that the government might go so far as to create an environment hostile to English or its speakers, for they also added these provisions to the LOGA:

1. No person shall be denied services, assistance, or facilities, directly or indirectly provided by the Federal Government, solely because the person communicates in English.
2. Every person in the United States is entitled to communicate with representatives of the Federal Government in English; to receive information from or contribute information to the Federal Government in English; and to be informed of or be subject to official orders in English. (H.R. 123 1995, §163)

The bill's sponsors cite no instance of anyone ever being denied government services for communicating in English, nor do they demonstrate that anyone has ever been dissuaded from using English when communicating with the government. Moreover, all governmental orders and regulations have always been drafted in English. When regulations are translated from English to other

languages, the English version has always been the only valid version should questions arise. In case the government fails to use English or discriminates against someone's use of English, however, the LOGA provides a remedy: "A person injured by a violation of this chapter may in a civil action . . . obtain appropriate relief" (H.R. 123 1996, §164).

LOGA recognizes some exceptions to its general rules. Foreign languages may be taught. Also excluded from the act are requirements under the Individuals with Disabilities Education Act, and actions required by national security, international relations, trade, or commerce. Languages other than English may be used to protect public health and safety or to protect the victims of crimes or criminal defendants. The Bureau of the Census may use other languages in carrying out its mission. And, to calm the fears of those representatives who wondered aloud whether foreign words would have to be removed from the national currency, LOGA permits using terms of art such as *habeas corpus* or phrases from languages other than English, for example *e pluribus unum*—a motto which, curiously enough, renders an important aspect of "full citizenship in the United States" in a language other than English. And finally, LOGA provides that federal officials may communicate orally in a language other than English while on official business if circumstances require it.

Hearings on the LOGA were held before the House Subcommittee on Early Childhood Youth and Families on October 18 and November 1, 1995, with only "friendly" witnesses permitted to testify (House Subcommittee 1995; academics were specifically excluded as witnesses). The majority report coming out of the hearings, written by the House Republicans on the committee, after a nod to diversity, declares, "throughout the history of the United States, the common thread binding individuals of differing backgrounds has been a common language. In order to preserve unity in diversity, and to prevent division along linguistic lines, the Federal Government should maintain a language common to all people." English, in the majority view, will empower immigrants, and any money saved through the adoption of the LOGA would go to teaching English to immigrants.

Supporters of the bill played on fears of immigration and overpopulation, arguing that over the past few decades, congres-

sional action and inaction resulted in a balkanized national language policy. They complained that publishing government documents in languages other than English discourages immigrants from learning English. And they noted with alarm that the Bureau of the Census reports that over 320 different languages are spoken in the United States. In rebuttal, opponents of the bill reminded the committee that a General Accounting Office (GAO) investigation, ordered by the Republican majority on the committee whose line has consistently been that the government is wasting a phenomenal amount of money on translation, found a mere 265, or .06 percent of 400,000 federal documents, published in foreign languages. In the face of this evidence, the House Republicans on the committee promptly switched their attention away from numbers: "The point is not to quibble over facts and figures but rather to focus on the bigger policy: is America going to advocate policies like the learning of English to empower people to realize the American dream? Or, do we continue the trend toward the balkanization of languages, encouraging people to interact only with those of similar backgrounds?" (House Subcommittee 1995).

In their minority report, House Democrats produced an Alaskan language specialist who argued that "[t]he common thread has not been a common language but rather to 'promote the general welfare and secure the blessings of liberty to ourselves and to our posterity' . . . Division along linguistic lines has only been created historically by Federal Government policy." Democrats further argued that even though Republicans have consistently opposed frivolous lawsuits, the LOGA would encourage such court-clogging suits by permitting anyone who felt wronged to sue in civil court.

The Senate Committee on Governmental Affairs also held a hearing on its version of the LOGA on March 7, 1996. At this hearing, Hawaiian and Native American groups argued that the bill should pass only if it is amended to "guarantee the revitalization and perpetuation of the indigenous languages of the United States" (Senate Committee 1996). Although the Navajo Nation opposed the LOGA, other Native American groups made support for their languages a condition of their support for the LOGA: "In recognizing English as the official language of the United

States, Congress must, at the same time, reaffirm Indian sovereign rights regarding the use of our own languages to protect an important part of Native American culture from becoming extinct." The statement of the National Congress of American Indians stressed that Native Americans are sovereign nations, not in the same class as the immigrants who are the target of the LOGA: "American Indian and Alaska Native people . . . are not simply 'ethnic groups.'"

As a result of the testimony of these Native American groups, the Senate bill was amended to read, "The official language of the Government of the United States is English *except for special provisions for Native American languages which are the national languages of the United States.*" The House version of the bill was similarly amended to read, "The act shall not limit the preservation or use of Native Alaskan or Native American languages."

English Plus

In addition to the various Language of Government acts, members of Congress have also been presented with a more user-friendly position in the English Plus Resolution, which recognizes both the importance of learning English and the need to learn other languages. In seeking to preserve the heritage of Native American, Hawaiian, and Alaskan languages, to strengthen the United States in the world political and economic arenas, and to protect those whose English is limited, the resolution reminds Americans of their historical diversity, promotes multilingualism as a valuable asset in the global economy, notes that English is spoken by 94 percent of U.S. residents, and warns that English Only measures

violate traditions of cultural pluralism, divide communities along ethnic lines, jeopardize the provision of law enforcement, public health, education, and other vital services to those whose English is limited, impair government efficiency, . . . represent an unwarranted Federal regulation of self-expression, abrogate constitutional rights to freedom of expression and equal protection of the laws . . . and contradict the spirit of the 1973 Supreme Court case *Meyer v. Nebraska*, wherein the Court declared that "The

protection of the Constitution extends to all; to those who speak other languages as well as to those born with English on the tongue." (H. Con. Res. 4 1997)

Both the Language of Government Acts of 1997 and the English Plus Resolution remain in committee at this writing.

The Future of Official Language Legislation

It would be rash to predict what will happen to official language legislation in the United States in the future. To illustrate, California's Proposition 227 ending bilingual education was passed on June 2, 1998. It has already survived one major test in federal court, and opponents of the measure have appealed to the U.S. Court of Appeals for the Ninth Circuit. As I write, the public schools of Los Angeles, California, are scurrying to dis-mantle their twenty-five-year-old bilingual education system and implement an English immersion curriculum before the opening of the fall term less than a week from now, not even sure that what they come up with will be legal under Proposition 227. The law reads, in part, "all children in California public schools shall be taught English by being taught in English" (Anderson 1998). English immersion is mandated for a period "not normally intended to exceed one year," and mainstreaming is to occur once students achieve "a good working knowledge" of English, though the law does not specify what that may mean.¹

At a recent meeting, school principals faced with structured immersion asked Los Angeles district officials how much non-English talk would be permitted in a classroom full of non-Anglophones? None? Ten percent? Twenty percent? And in what contexts? Introducing new material? Reviewing what students should already know? The law specifies that English-immersion classes conduct "nearly all" their business in English. The meeting produced no clear answers. Other school districts in California, including Oakland and San Francisco, have announced that they plan to ignore Proposition 227 and keep their bilingual programs until directed otherwise by the courts, while still other districts see no problem either making the switch to immersion

or mainstreaming non-Anglophones after they have completed their one year of structured English immersion. The law does provide that parents may apply annually to have their children kept in bilingual programs, and state education officials have advised school districts that such petitions must be approved unless there is "substantial evidence" to deny them. In addition, any school with twenty or more approved petitions must offer bilingual education. The situation in California is currently fluid, or chaotic, depending on who is describing it. Supporters of Proposition 227 complain that the state has misinterpreted the law, and that local districts are going out of their way to subvert the will of the people, as expressed in the referendum. The state itself has said it will review its implementation decisions in four months to see what changes need to be made.

At the federal level, no one can tell if this will be the year for passage of a Puerto Rico statehood referendum. While the Speaker of the House, Newt Gingrich, on record in the past as favoring Official English, has openly begun to court southwestern Hispanic/Latino voters for his party, the Republican Senate majority leader, Trent Lott, has stated that there is no room on the calendar for a Senate vote on the Puerto Rico issue. The Language of Government Act continues to hover in the wings. President Clinton, who openly opposed Proposition 227, has indicated that he would not sign such a bill, if passed, though he did sign Arkansas's official language law when he was governor of that state.

What does remain clear is that official language legislation is not necessary. According to Dorothy Waggoner (1995), in her analysis of 1990 census data, although the foreign-born population of the United States increased between 1980 and 1990, the percentage of immigrants with difficulty speaking English who come from homes where languages other than English are spoken is actually declining. Waggoner concludes:

People who speak languages other than English are less likely to have difficulty speaking English now than a decade ago. English-speaking difficulty is directly related to the length of time . . . spent in the United States. Native-born home speakers of non-English languages are less likely to have difficulty than immi-

grants and immigrants who have spent more than ten years here are less likely to have difficulty than their counterparts in 1980. (1995, 2)

Despite the fact that Miami or an urban emergency room may seem like a "foreign country" to some American visitors, all indicators confirm that English is alive and well in the United States. The United States, without an official language law, has had more success getting its population to speak a common language than any of the seventy-nine nations of the world with official language laws on their books. The languages in danger of disappearing are the minority languages, and it is imperative that the nation craft its language policy to address that problem rather than to protect an English language that is doing fine on its own.

Note

1. As expected, the California proposition found followers in other states too. Arizona has Proposition 203 on the November 2000 ballot, and its issues are similar to California's Proposition 227. See more on this in its introduction.

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